

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. PSY-2005-6
CHARLES W. GAMBLE, Ph.D.,)	
License No. PSY-196,)	STIPULATION AND
)	CONSENT ORDER
Respondent.)	
)	

Q:\Prosecutions\PSY\Gamble\P6024SGA.DOC

WHEREAS, information having been received by the Idaho State Board of Psychologist Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Charles W. Gamble, Ph.D. (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of psychology in the State of Idaho in accordance with title 54, chapter 23, Idaho Code.

2. Respondent Charles W. Gamble, Ph.D., is a licensee of the Idaho State Board of Psychologist Examiners and holds License No. PSY-196 to practice psychology in the State of Idaho.

3. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code, and the rules of the Board promulgated at IDAPA 24.12.01, *et seq.* Pursuant to Idaho Code § 54-2309(e), the Board may take disciplinary action against any licensed psychologist found to have violated the ethical standards of the American Psychological Association ("APA").

Factual Background

4. On or about August 18, 2000, Respondent prepared a Child Custody Evaluation during the divorce proceedings of O.R. and M.S.

5. The October 31, 2000, Order in Partial Resolution of Divorce in the divorce proceedings stated that the parties would work with Brenda Harper, M.S.W., to develop a parenting agreement and that Ms. Harper would provide input to Respondent for a review of the parenting schedule in one year, or by October 31, 2001. In addition, the Order in Partial Resolution of Divorce provided that: "Upon request by either party one (1) year following implementation of his Evaluation (October 20, 2001), Dr. Gamble shall review this matter and make any recommendations which he believes are in the best interest of [the minor child]."

6. On January 10, 2002, Respondent was appointed by the court "to provide a follow-up evaluation of what parenting arrangement is in the minor [child's] best interest and make any further recommendations which he believes are in [the child's] best interest."

7. On June 19, 2002, Respondent provided the court with a one and one-half page letter containing his recommendations and stated that "the usual text with a variety of protocol features is lacking," that he had not been able to "schedule sufficient time for a full dictation," and that he would provide a full text on the case "as time permits."

8. On June 26, 2002, Respondent provided the court with a short letter clarifying a term used in his June 19, 2002, letter to the court.

9. On July 2, 2002, M.S.'s attorney deposed Respondent. During this deposition, Respondent provided the parties access to his file and answered questions regarding his reasoning for his June 19, 2002, recommendations to the court.

10. During a meeting with a Bureau of Occupational Licenses investigator on November 17, 2004, Respondent stated:

a. He felt he did not need to complete the follow-up report because he had been deposed; and

b. He did not pursue investigation of questions raised by follow-up interviews with O.R. and M.S. through collateral interviews, reviews of police reports, or other substantive records.

Allegations Concerning Respondent's Follow-Up Evaluation

11. Respondent's June 19, 2002, letter to the court regarding the parenting arrangement for the minor child failed to contain any reference to procedures followed, materials reviewed, or individuals interviewed in preparation for the report and, as such, was inadequate as a child custody evaluation report, in violation of APA Ethical Principles of Psychologists and Code of Conduct (1992) (effective 12/1/92 to 6/1/03) (hereinafter "APA Ethical Standard") 1.04(b) and (c).

12. Respondent informed the court that he would provide a full text on the case "as time permits," but never completed that report, and Respondent's deposition did not substitute for a full text follow-up report. Respondent's failure to provide a full text follow-up report on the case constitutes a violation of APA Ethical Standards 1.23(a) and (b).

13. Respondent's records concerning the follow-up evaluation lack documentation of conversations with Brenda Harper, M.S.W., in violation of Ethical Standard 1.23(b).

14. Respondent's records concerning the follow-up evaluation are inadequate to document the basis for Respondent's opinions regarding a 50/50 shared custody parenting arrangement. In addition, there is inadequate evidence in Respondent's records to substantiate a risk/benefit analysis of a possible relocation, in violation of Ethical Standard 1.23(b).

15. Respondent failed to investigate the substance of issues concerning the relocation of the minor child with collateral interviews, reviews of police reports, or other

substantive records, which resulted in inadequate substantiation for Respondent's findings, in violation of Ethical Standards 2.01 and 7.02(a), (b) and (c).

16. Respondent's June 19, 2002, letter to the court failed to provide the court with information about the limitations of Respondent's evaluation process, in violation of Ethical Standard 7.02(c).

17. The above-stated allegations, if proven, might constitute a violation of the laws and rules governing the practice of psychology, specifically Idaho Code § 54-2309(e).

18. Respondent, in lieu of proceeding with a formal disciplinary action, submits to the discipline set forth in Section C below. Respondent does not admit the truthfulness of the allegations, nor does he admit that he violated any applicable statute, law, or standard of ethical conduct.

B.

I, Charles W. Gamble, Ph.D., by affixing my signature hereto, acknowledge that:

1. I have read the allegations pending before the Board, as stated above in section A. I further understand that these allegations may be cause for disciplinary action upon my license to practice psychology in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of psychology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall pay investigative costs in the amount of One Thousand Two Hundred and No/100 Dollars (\$1,200.00) and attorney fees in the amount of One Thousand Sixty-Five and No/100 Dollars (\$1,065.00), for a total of Two Thousand Two Hundred Sixty Five and No/100 Dollars (\$2,265.00) within sixty (60) days of the entry of the Board's Order.

2. Respondent shall discontinue providing child custody or child visitation evaluations.

3. Respondent's License No. PSY-196 shall be placed on probation for a period of one (1) year from the date of entry of the Board's Order. The conditions of probation are as follows:

a. A consulting psychologist shall meet with Respondent on a monthly basis and shall provide monthly reports to the Board regarding Respondent's practices. Respondent shall provide to the consultant all information and records that the consultant so requests in order to provide the Board with a complete and accurate report.

b. The consultant must receive preapproval by the Board.

c. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of psychology in the State of Idaho.

d. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

e. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place

///

///

of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

f. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

g. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

h. At the conclusion of the one-year probationary period, Respondent may request from the Board reinstatement of License No. PSY-196 without the restrictions set forth in this section C3. Any request for reinstatement must be accompanied by written proof of compliance with the terms of this Stipulation. The Board retains discretion to grant reinstatement of Respondent's psychology license or to deny reinstatement and extend the period of probation.

4. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

5. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal

complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-2309. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.


c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. This Stipulation and Consent Order is the resolution of a contested case and is a public record.


8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 15th day of June, 2006.


Charles W. Gamble, Ph.D.
Respondent

Approved as to form this 15th day of June, 2006.
YOST LAW OFFICES

By 
William F. Yost
Attorney for Respondent

I concur in this stipulation and order.

DATED this 16th day of June, 2006.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Emily A. MacMaster
Emily A. MacMaster
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-2305, the foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 30th day of July, 2006. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF PSYCHOLOGIST EXAMINERS

By Kurt Krocker
~~Dennis Woody, Chair~~
Kurt Krocker - vice chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 2006,
I caused to be served a true and correct copy of the foregoing by the following method to:

Dr. Charles W. Gamble
870 N. Linder Road, Suite C
Meridian, ID 83642

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

William F. Yost
YOST LAW OFFICES
P.O. Box 1275
Nampa, ID 83653

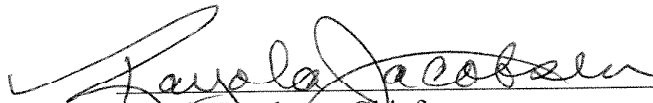
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. MacMaster
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Jean R. Uranga
URANGA & URANGA
P.O. Box 1678
Boise, ID 83701-1678

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses